

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEREK GUYSINGER,

Petitioner,

:

Case No. 2:19-cv-774

-vs-

Judge Sarah D. Morrison
Magistrate Judge Kimberly A. Jolson

WARDEN, NOBLE
CORRECTIONAL INSTITUTION,

:

Respondent.

OPINION AND ORDER

This matter is before the Court for consideration of Petitioner's Motion for Pauper Status pursuant to Federal Rule of Appellate Procedure 24(a)(3)(A). (ECF No. 22.) Petitioner submits a financial affidavit in support of that motion. (ECF No. 24.)

Fed. R. App. P. 24(a)(3)(A) provides that:

[a] party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

. . . the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification finding[.]

The good faith standard is an objective one. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). An appeal is not taken in good faith if the issue presented is frivolous. *Id.*

Petitioner was not previously granted pauper status in this Court. Therefore, it is unclear if Rule 24(a)(3)(A) applies. To the extent it does and even if Petitioner is financially qualified for pauper status, the Court **CERTIFIES** that his appeal is frivolous. The Court previously

determined that the state court reasonably concluded that Petitioner's ineffective assistance claims were governed by *Strickland v. Washington*, 466 U.S. 668 (1984), and that the state court reasonably concluded that Petitioner's claims failed under that governing standard. (ECF No. 19.) As articulated in that Opinion, Petitioner has no good faith basis for appealing those determinations. (*Id.*)

Accordingly, Petitioner's Motion is **DENIED**. (ECF No. 22).

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE